

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

**DECISION AND ORDER**

v.

21-CR-185-A

HOLLY R. BERENGUER,

Defendant.

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This case was referred to Magistrate Judge H. Kenneth Schroeder, Jr. pursuant to 28 U.S.C. § 636(b)(1) for the conduct of pretrial proceedings. On February 14, 2022, defendant Holly R. Berenguer appeared before Magistrate Judge Schroeder and entered a plea of guilty to a 1-count Information which charges her with Conspiracy to Possess with Intent to Distribute, and to Distribute, 40 Grams or More of Fentanyl in violation of 21 U.S.C. § 846.

Magistrate Judge Schroeder issued a Report and Recommendation (Dkt. No. 18) confirming his oral findings that defendant's plea of guilty was knowing, voluntary, and supported by a factual basis. No timely objections to the Report and Recommendation have been filed. It is hereby

**ORDERED** that, upon review of the transcript of the February 14, 2022, change-of-plea proceeding before the Magistrate Judge, and the Report and Recommendation, the Court finds that all the requirements of Federal Rules of Criminal Procedure Rule 11 have been carefully followed. Defendant Berenguer's plea of guilty was knowing, voluntary, and supported by a factual basis. The Magistrate Judge informed Defendant,

who was placed under oath and addressed personally in open court, of the defendant's rights and the trial rights she was waiving should the Court accept her plea of guilty, the nature of the charge to which she was pleading guilty, and any maximum possible penalty, among the other requirements listed in the Rule. The Magistrate Judge determined that Defendant understood the foregoing. Accordingly, defendant Berenguer's plea of guilty is accepted based upon the oral findings of the Magistrate Judge as confirmed in the written Report and Recommendation. Dkt. No. 18. Sentencing is scheduled for July 7, 2022 at 12:30 pm. The parties are directed to the Court's forthcoming Text Order for the submission of sentencing documents.

**IT IS SO ORDERED.**

*s/Richard J. Arcara*

HONORABLE RICHARD J. ARCARA  
UNITED STATES DISTRICT COURT

Dated: March 23, 2022